

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Sean Smith, as POA for Patricia Smith, and
Patricia Smith, Sean Smith, Kelley Smith
Jackson and Colin Smith Individually and as
Surviving Heirs of Henry S. Smith, Deceased,
and the Estate of Henry S. Smith, Deceased

Plaintiffs

v.

Amylin Pharmaceuticals, LLC; Eli Lilly and
Company; and Novo Nordisk Inc.

Cause No. 14cv0990 AJB MDD

**DECLARATION OF PROPOSED
INTERIM ESTATE REPRESENTATIVE

(INTESTATE DECEDENT)**

I, **SEAN SMITH** ("declarant"), declare as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts contained in this Declaration, and if called as a witness I could and would testify competently to the truth of the facts stated herein.

2. I am the **SON** of **HENRY S. SMITH** ("decedent") who died on **AUGUST 2, 2013**, in **JEFFERSON, LA.** The decedent died intestate and I am a beneficiary of the estate who succeeds to a cause of action. The other beneficiaries are **PATRICIA SMITH, KELLEY SMITH JACKSON AND COLIN SMITH.**

3. With respect to any surviving spouse and/or surviving children of the decedent who succeeds to a cause of action *[Must select one of the three below]*:

☒ Any surviving spouse and all surviving children are among those identified in paragraph 2, above;

OR

☐ To the extent not among those identified in paragraph 2, the surviving spouse and/or surviving children are [NAMES OF SURVIVING SPOUSE AND/OR SURVIVING CHILDREN]

OR

☐ The decedent had no surviving spouse and no surviving children.

4. With respect to minor children:

☒ None of the surviving children or beneficiaries identified in paragraphs 2 and/or 3, above, are minor children;

OR

☐ The following surviving children or beneficiaries are minor children, and their age and relationship to the decedent are as noted.

Name: _____

Age: _____

Relationship: _____

5. No proceeding is now pending or has been filed at any time in the past in any state or federal court for administration of the decedent's estate.

6. All persons identified in paragraphs 2 and 3 above consent to my appointment as the Interim Estate Representative for the decedent's estate in accordance with the Order of this Court dated August 14, 2014.

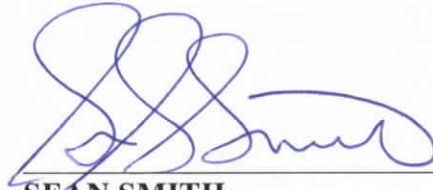
7. No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action or proceeding.

8. A certified copy of the decedent's death certificate is attached hereto.

Executed on the 5th of August, 2014.

9. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 22 day of the 9th Month, 2014

A handwritten signature in blue ink, appearing to read 'Sean Smith', is written over a horizontal line.

SEAN SMITH